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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON' BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.4293/1998

Between:

Sri.Gangaiah,
S/o Doddaiyah,
R/o A.K.Colony,
Shivaganga Road,
Thyamagondalu Village,
Nelamangala Taluk,
Bangalore Rural District. ... Petitioner.

(By Sri.V.V.Joshi, Adv.,)

And:

1. The Assistant Commissioner,
Doddaballapur Sub-Division,
Bangalore.

2. The Tahsildar,
Nelamangala Taluk,
Nelamangala.

3. The Deputy Tahsildar,
Nad Kacheri, Sompur Hobli,
Nelamangala Taluk. ... Respondents.

(By Sri.Kotian, Addl. GA.,)

This WP is filed under Articles 226 & 227 of the Constitution of India praying to direct the R-2 to hold enquiry and pass necessary orders in pursuance of the direction by R-1 in Annex.D at the earliest & etc.,

This WP coming on for prly. hg. this day, the Court made the following:-

O R D E R

Sri Kotian, learned Government Advocate
is directed to take notice to respondents-1
to 3.

2. Though this petition is posted for
preliminary hearing, in view of the limited
prayer made by the petitioner, with the consent
of the learned counsel for the petitioner and
the learned Government Pleader, this petition
is taken up for final hearing and disposed of,
by this order.

3. The only direction that is sought in
this petition is to conduct enquiry pursuant
to the direction given in order dated 23rd
July, 1997, a copy of which has been produced
as Annexure-D, passed by the 1st respondent. In
order Annexure-D, the 1st respondent has
directed an enquiry to find out whether the
petitioner has violated the conditions of the

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grant. According to the petitioner, he has not violated the conditions of the grant and in view of the order impugned an effort is being made to interfere with the rights of the petitioner in respect of the land granted to him.

4. However, Sri Kotian submitted that at this stage, he is not in a position/^{to} state whether the order Annexure-D is appealed against. In response to this submission, Sri Joshi submits that the writ petition filed challenging by the parties/~~to~~ order Annexure-D has been dismissed by this court and the order Annexure-D has become final.

5. I am of the view, the only order that can be made at this stage is to give effect to the direction given in order Annexure-D by conducting necessary enquiry if the said order has become final. However, it is made clear

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if the order Annexure-D has not become final and if it subject matter of dispute before any court, the authorities are not required to give effect to the direction given in order Annexure-D till the said order becomes final. The 2nd respondent is directed to comply with the direction given above in this petition within four months' from the date of receipt of a copy of this order.

6. Accordingly, this petition is allowed and disposed of, in terms stated above. Rule is issued and made absolute.

7. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.

Sd/-
JUDGE

